

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

LEONA WRIGHT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:24-cv-02125-JPH-MKK
	)	
MCCORMICK AND SCHMICK'S	)	
(LANDRY'S),	)	
	)	
Defendant.	)	

**ORDER**

**I. Granting *in forma pauperis* status**

Plaintiff Leona Wright's motion to proceed *in forma pauperis*, dkt. [2], is **GRANTED**. See 28 U.S.C. § 1915(a). While *in forma pauperis* status allows Ms. Wright to proceed without prepaying the filing fee, she remains liable for the full fees. *Ross v. Roman Catholic Archdiocese of Chicago*, 748 F. App'x 64, 65 (7th Cir. Jan. 15, 2019) ("Under 28 U.S.C. § 1915(a), a district court may allow a litigant to proceed 'without *prepayment* of fees,' . . . but not without *ever* paying fees."). No payment is due at this time.

**II. Screening**

**A. Screening standard**

The Court has the inherent authority to screen Ms. Wright's complaint. *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999) ("[D]istrict courts have the power to screen complaints filed by all litigants, prisoners and non-prisoners alike, regardless of fee status."). The Court may dismiss claims within a

complaint that fail to state a claim upon which relief may be granted. *See id.*

In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017).

To survive dismissal,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

*Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Pro se complaints are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015).

## **B. The complaint**

Ms. Wright, a Black female, alleges that throughout her seven-year employment at McCormick & Schmick's, she was subject to discrimination, harassment, and retaliation based on her race and gender. Dkt. 1 at 5. Managers withheld her pay, would make offensive and inappropriate remarks, commented multiple times on Ms. Wright's natural hair's state and texture and on her body, and sexually harassed her. *Id.* Ms. Wright was treated more harshly than other, non-Black and non-female coworkers. *Id.* When Ms. Wright raised concerns of unfair and unequal treatment, she was terminated. *Id.*

### **C. Discussion of claims**

Liberally construed, the allegations in the complaint are sufficient to plausibly assert a Title VII claim for race and sex discrimination. Those claims **shall proceed** against McCormick & Schmick's.

No other claims or defendants have been identified in the complaint. Should Ms. Wright believe that the Court has overlooked a claim or defendant, she shall have through **January 27, 2025**, to identify those omissions to the Court.

### **III. Directing Service of Process**

The **clerk is directed** under Federal Rule of Civil Procedure 4(c)(3) to issue process to defendant McCormick & Schmick's in the manner specified by Rule 4(d). Process shall consist of the complaint, dkt. 1, applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Order.

**SO ORDERED.**

Date: 12/19/2024



James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

LEONA WRIGHT  
4927 Lewiston Dr.  
Indianapolis, IN 46254

McCormick & Schmick's, Landry's  
110 N. Illinois St  
Indianapolis, IN 46204